



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,386	07/03/2001	Gary R. Rogers	A7977	9876
7590	05/21/2004		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			LE, THANH TAM T	
			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/897,386	ROGERS, GARY R.
	Examiner	Art Unit
	Thanh-Tam T. Le	2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 February 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-32 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1)  Notice of References Cited (PTO-892)

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6, 10-17 and 21-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutton et al. (6,421,487) in view of Wilson et al. (6,501,890).

Regarding claims 1, 12, 23 and 29-32, Hutton, figure 6, discloses a multi axis fiber optic comprising:

- a central portion (38); and
- a plurality of removable extensions (20) bonded to and extending from the central portion. At least one of the extensions containing at least one optical fiber and extending from the central portion along an axis different from at least one other extension.

Wherein at least one of the extensions is formed integrally and co-extruded with the central portion.

Hutton et al. discloses the instant claimed invention as described above except for the central portion is made from a fiber optic ribbon matrix material and a fiber optic ribbon having an outer jacket.

Wilson et al., figure 1, disclose a heat strippable optical fiber ribbons having an optical fiber ribbon (10) with an outer jacket (18). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to provide Hutton et al. to have an optical fiber ribbon as taught by Wilson et al., in order to have a better signal transmission.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Hutton et al. to have an optical fiber ribbon with an outer jacket as taught by Wilson et al., in order to have a better signal transmission and to protect the optical fiber ribbon, respectively.

Regarding claims 2-3 and 13-14, the combination of Hutton et al. and Wilson disclose the central portion and the plurality of extensions are made from a same fiber optic ribbon matrix material.

Regarding claims 4 and 15, Hutton et al. discloses the at least one of the extensions project along a substantially straight line from the central portion.

Regarding claims 5 and 16, means for separating the extensions from the central portion (without bonding).

Regarding claims 6 and 17, Hutton et al. discloses a thickness of each extension at a point the extension contacts the central portion is less than a thickness at a point the extension beyond the central portion (since the shape of the central portion is round and the point that each extension contacts the central portion is a flat face).

Regarding claims 10-11 and 21-22, it is noted that Wilson et al. disclose the central portion and the extensions comprises at least one strength member (Wilson et al.'s abstract).

Regarding claim 24, the combination of Hutton et al. and Wilson et al. disclose at least two of the plurality of multi axis ribbon are intertwined with each other such that a first one of the two ribbon extends into a space created by at least two of the extension on a second of the two ribbons.

Regarding claims 25-28, the at least one extension is formed integrally/a single unit with the central portion (after bonding).

3. Claims 7-9 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutton et al. and Wilson et al. as applied to claims 1 and 12 above, and further in view of Hardwick, III et al. (6,321,013).

Hutton et al. and Wilson et al. disclose the instant claimed invention as described above except for at least one of the extensions has color code identifier.

Hardwick, III et al., figure 2, disclose stacks of optical fiber ribbons having optical fiber ribbons 34 having a color-coded for identification purpose (column 9, lines 5-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hutton et al. to have the color-coded as taught by Hardwick, III et al., in order to identify the difference between the extensions.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Tam T. Le whose telephone number is 571-272-2094. The examiner can normally be reached on 7:30-5:00.
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL.  
05/15/2004.

Le  
\_\_\_\_\_  
T. Le